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CC 96-149

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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MAR - 6 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )  
 )  
Bell Atlantic Petition for Forbearance from )  
Application of Section 272 of the )  
Communications Act of 1934, as amended; )  
to Previously Authorized Services )

**BELL ATLANTIC<sup>1</sup> PETITION FOR FORBEARANCE**

Bell Atlantic hereby petitions the Commission pursuant to Section 10 of the amended Communications Act to forbear from applying the requirements of section 272 to Bell Atlantic's E911 service. As demonstrated in the attached comments, forbearance is appropriate for all Bell companies, including Bell Atlantic.<sup>2</sup> Because any application of the section 272 requirement would encumber Bell Atlantic's ability to provide E911 service, Bell Atlantic respectfully requests expedited consideration and approval of this petition.

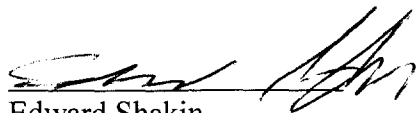
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<sup>1</sup> This filing is on behalf of Bell Atlantic-Delaware, Inc.; Bell Atlantic-Maryland, Inc.; Bell Atlantic-New Jersey, Inc.; Bell Atlantic-Pennsylvania, Inc.; Bell Atlantic-Virginia, Inc.; Bell Atlantic-Washington, D.C., Inc.; Bell Atlantic-West Virginia, Inc., and Bell Atlantic Communications, Inc.

<sup>2</sup> Bell Atlantic is filing the attached comments in support of BellSouth's forbearance petition simultaneously with this petition. For the convenience of the Commission, rather than duplicate its justification, Bell Atlantic relies on those comments to support the petition herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Edward Shakin', is written over a horizontal line.

Edward Shakin

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and Bell Atlantic Communications, Inc.

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**COMMENTS OF BELL ATLANTIC<sup>1</sup>**

It is indisputable that E911 service is vital to the public safety and well being. There can be no question that good public policy would not jeopardize continuation of this service. The Commission has ruled that section 272(h) of the Telecommunications Act requires that previously approved interLATA information service must comply with section 272 separate affiliate requirements within one year.<sup>2</sup> If this requirement was interpreted as a mandate that E911 service be offered through a separate affiliate, it would greatly encumber the existing service without providing any regulatory benefit. As a result, the Commission should grant BellSouth's petition<sup>3</sup> and extend its decision to order blanket forbearance for all Bell operating companies.<sup>4</sup>

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<sup>1</sup> This filing is on behalf of Bell Atlantic-Delaware, Inc.; Bell Atlantic-Maryland, Inc.; Bell Atlantic-New Jersey, Inc.; Bell Atlantic-Pennsylvania, Inc.; Bell Atlantic-Virginia, Inc.; Bell Atlantic-Washington, D.C., Inc.; Bell Atlantic-West Virginia, Inc., and Bell Atlantic Communications, Inc.

<sup>2</sup> *Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as amended*, CC Docket No. 96-149, First Report and Order at ¶ 80 (rel. Dec. 24, 1996) ("Nonaccounting Safeguards Order")

<sup>3</sup> BellSouth Petition for Forbearance (filed Feb. 7, 1997) ("BellSouth Petition").

<sup>4</sup> To the extent that the Commission does not elect to address blanket forbearance for E911 service, Bell Atlantic attaches a petition seeking forbearance specifically for its service.

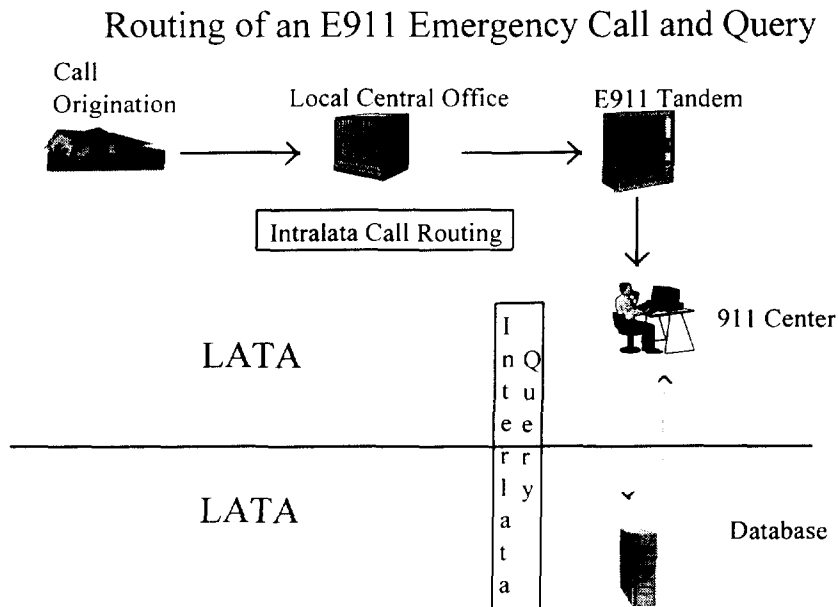
## **I. E911 Service is Inextricably Linked to the Local Operating Companies**

In order to create an efficient and functioning 911 data base service, the local exchange carriers ("LECs") have attempted to make the most efficient use of local information and facilities. The result is that the service is inextricably linked to the LEC service provider. Any attempt to mandate a separation will result in debasement of the service.

To understand the context of the interLATA data query made in E911 service, it is important to understand the routing of a 911 call. At Bell Atlantic, a sample 911 call moves from the central office to a tandem office (located within the same LATA) that is designated as the E911 tandem. The E911 tandem routes the call to the E911 center run by the local municipality with responsibility for coverage of the particular household that originates the call. While the local 911 dispatcher is talking to the caller, a query automatically is sent over Bell Atlantic private lines to a centralized Bell Atlantic data base that sends back a message providing the caller's address and location, allowing dispatch of emergency personnel to the correct location as fast as possible.<sup>5</sup>

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<sup>5</sup> In addition to the E911 service, the centralized data base also provides the local E911 tandem with a daily update of "routing tables." These routing tables assure that, for central offices that serve customers in more than one municipality, the correct municipal 911 center receives the call. For example, the central office in Laurel, Maryland has customers that live in four different counties, with four different emergency response organizations. Sending a call to the wrong 911 center could significantly slow response time.



Bell Atlantic operates two E911 data bases -- in Baltimore and Philadelphia. Centralizing the data base allows municipalities to benefit from economies of scale, thereby making this vital service affordable.<sup>6</sup>

If the Commission were to require that the interLATA data query in E911 service could only be offered through a separate affiliate subject to the section 272 requirements, the service as offered today would not be possible. In order to have the most up to date information possible, the E911 data bases are updated directly with data on service changes from the local business offices. In addition, in the interest of public safety, the LECs provide the data base with address information concerning customers with non-published or unlisted numbers. Such

<sup>6</sup> Allowing a query across LATA boundaries also makes it economical to offer redundant database alternatives to assure uninterrupted service.

information exchanges would be limited or even prohibited under the Commission's section 272 requirements.<sup>7</sup>

Moreover, the E911 service would be prohibitively expensive if the service could not rely on existing LEC facilities. The current E911 tandems also function as local switching facilities for the LEC. The cost of the service is dramatically reduced because of this shared use. If the Commission were to require separate facilities for E911 calls, the service could only be provided at much greater expense.

## **II. The Commission Should Forebear From Requiring E911 Service to be Provided Through a Separate Affiliate**

Because E911 service is inextricably linked to the facilities and information of the operating company, it is in the public interest for the Commission to exercise its forbearance authority and allow the LEC to continue to operate the service. As BellSouth points out, this determination has already been made in conjunction with approved waivers to the AT&T decree.<sup>8</sup> In reviewing proposals for these waivers, the Department of Justice found that allowing the local companies to offer E911 service "is in the public interest" and "does not present any threat to competition among interexchange service providers."<sup>9</sup>

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<sup>7</sup> See Non-Accounting Safeguards Order at ¶¶ 194-236, 246-253.

<sup>8</sup> See BellSouth Petition at 8.

<sup>9</sup> Letter from Constance K. Robinson, Chief Communications & Finance Section, U.S. Department of Justice Antitrust Division to Alan F. Ciamporcero, Pacific Telesis Group (Mar. 27, 1991) (Attachment 3 to the BellSouth Petition).

Clearly enforcement of the section 272 separate affiliate requirement is not necessary here to ensure that rates will be just and reasonable.<sup>10</sup> Indeed, without the efficiencies of the current service, rates for E911 service might not be affordable, even if still just and reasonable.<sup>11</sup>

Similarly, with respect to this service, a separate affiliate requirement does not protect consumers.<sup>12</sup> The true consumer protection issue here is the continuation of this vital service. That interest is best served by granting blanket forbearance.

### **Conclusion**

For the foregoing reasons, the Commission should issue blanket forbearance of any requirement that E911 service be offered through a separate affiliate under section 272.

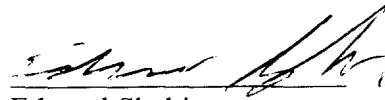
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<sup>10</sup> *See* 47 U.S.C. § 160(a)(1).

<sup>11</sup> There is also no danger of discrimination. Indeed, the Act recognizes that Bell operating companies will continue to provide this service and anticipates any concerns by making nondiscriminatory access to E911 service a condition of long distance entry. 47 U.S.C. § 271 (c)(2)(B)(vii)(I). Moving this service to a separate affiliate adds nothing and only can confuse the meaning of this safeguard.

<sup>12</sup> *See* 47 U.S.C. § 160(a)(2).

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Edward Shakin', written over a horizontal line.

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Attorney for the  
Bell Atlantic Telephone Companies  
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March 6, 1997



CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of March, 1997 a copy of the foregoing "Comments of Bell Atlantic" was served by hand on the parties on the attached list.

Tracey M. DeVaux  
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